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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,514	10/09/2001	Hidetoshi Kabasawa	JCLA8093	7324

7590
J.C. Patents, Inc.
Suite 250
4 Venture
Irvine, CA 92618

11/28/2003

EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 11/28/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,514

Applicant(s)

KABASAWA, HIDETOSHI

Examiner

William J. Klimowicz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-8 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3, drawn to, *inter alia*, a carrier position detecting device, for detecting a position of the carrier with respect to the holder; wherein the carrier position detecting device further comprises switches installed on the carrier which is on/off by an operation, and switch operation members installed on the holder for operating the switches in response to a move of the carrier, and wherein the switch operation members perform different operations with respect to the switches for each predetermined detecting position of the carrier used in a recording medium loading apparatus, classified in class 369, subclass 30.36.
- II. Claim 4, drawn to, *inter alia*, a medium determining device for determining types of the recording media; and a control device for controlling and driving the carrier driving device and the clamp mechanism, wherein when the type of the held recording medium is determined by the medium determining device, by controlling and driving the carrier driving device, the control device causes the carrier move to a proper clamp position corresponding to the determined recording medium, and thereafter causes the medium driving device clamp the recording medium, used in a recording medium loading apparatus, classified in class 369, subclass 270.
- III. Claims 5-7, drawn to a, *inter alia*, position detecting device for performing position detections of the carrier; a disc determining device for determining the types of the recording media; and a control device for changing a driving status of

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the carrier at a plurality of detecting positions set corresponding to the types of the recording media by controlling and driving the carrier driving device, wherein at least one of the detecting positions set for one of the recording media and the detecting positions set for another recording medium is set to the same position, used in a recording medium loading apparatus, classified in class 369, subclass 30.31.

- IV. Claim 8, drawn to, *inter alia*, recording medium transfer mechanism, for transferring an inserted recording medium between an eject position and a loaded position; a driving device for driving the recording medium transfer mechanism; and a control device for controlling the driving device, wherein between the eject position and the loaded position in front of the insertion direction of the recording medium, the control device performs a control process such that the driving device generates a driving force having a magnitude that the recording medium transfer mechanism is not operated, used in a recording medium loading apparatus, classified in class 369, subclass 30.32.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention each or the identified Groups can be used in a conventional disc apparatus exclusive to the other Groups, i.e., each of the identified four Groups has separate utility such as the elements which can be used in a conventional disc apparatus

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exclusive to the elements set forth in the subcombination of the other remaining three Groups.

See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Additionally, the search required for each individual Group is not required for the remaining Groups, restriction for examination purposes as indicated is proper.

Moreover, each of the Groups have acquired a separate status in the art because of their recognized divergent subject matter (as evidenced by their different classification), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

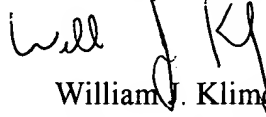
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.


William J. Klimowicz
Primary Examiner
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WJK
November 18, 2003